

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Donald F. Campbell, Jr., Esq. (DC8924)

Giordano, Halleran & Ciesla, P.C.

125 Half Mile Road, Suite 300

Red Bank, New Jersey 07701

Tel: (732) 741 3900

Fax: (732) 224 6599

dcampbell@ghclaw.com

Attorneys for Creditor, Carla Cox Smith

Case No: 23-13359(VFP)

Chapter: 11 (Jointly Administered)

Hearing Date: February 7, 2024 at 10:00 a.m.

Judge: The Honorable Vincent F. Papalia,
U.S.B.J.

In Re:

Bed Bath & Beyond, Inc.

Debtor.

**NOTICE OF MOTION OF CARLA COX SMITH FOR AN ORDER ALLOWING LATE
FILED CLAIM TO BE TREATED AS TIMELY FILED AND FOR RELEIF FROM
SEPTEMBER 14, 2023 INJUCTION FOR PURSUING CLAIMS AGAINST DEBTOR**

TO:

Cole Schotz P.C.

25 Main St.

Hackensack, NJ 07601

(Debtor's Counsel)

Kirkland & Ellis LLP
601 Lexington Avenue
New York, NY 10022

Alvarez & Marsal North America, LLC
600 Madison Avenue
8th Floor
New York, NY 10022
(Unsecured Creditor's Committee)

ASK LLP
60 East 42nd Street

46th Floor
New York, NY 10165
(Unsecured Creditor Committee)

Pachulski Stang Ziehl & Jones LLP
780 Third Avenue
34th Floor
New York, NY 10036
(Unsecured Creditor Committee)

Gibbons P.C.
One Gateway Center
Newark, NJ 07102-5310
(Unsecured Creditor Committee)

Bed Bath & Beyond, Inc.
650 Liberty Avenue
Union, NJ 07083
(Debtor)

CT Corporation System
208 SO LaSalle St.
Suite 814
Chicago, IL 60604-1101
(Registered Agent)

U.S. Trustee
US Dept of Justice
Office of the US Trustee
One Newark Center Ste 2100
Newark, NJ 07102
(US Trustee)

SIR/MADAM:

Please take notice that on February 7, 2024 @ 10:00 am, or as soon as counsel may be heard, the undersigned attorneys for Carla Cox Smith, creditor in the above-captioned matter (“*Movant*”), will move before the Honorable Vincent F. Papalia, at the United States Bankruptcy Court for the District of New Jersey, 50 Walnut Street, Newark, NJ 07102, Courtroom #3B, for an entry of an order (i) allowing late filed claim to be treated as timely filed and (ii) vacating the Automatic Stay pursuant to 11 U.S.C. § 362(d), and for such relief as the Court deems just and

proper (the “*Motion*”).

PLEASE TAKE FURTHER NOTICE THAT the Movant shall rely upon the Application, Certification, and Proposed Order filed simultaneously herewith.

PLEASE TAKE FURTHER NOTICE THAT unless objections are timely filed, the Motion will be decided on the papers in accordance with D.N.J. LBR 9013-3(d), and the relief requested may be granted without further notice or hearing.

PLEASE TAKE FURTHER NOTICE THAT pursuant to D.N.J. LBR 9013-3(a), in the event the Motion is contested, there is a duty to confer to determine whether a consent order may be entered disposing of the Motion or to stipulate to the resolution of as many issues as possible.

PLEASE TAKE FURTHER NOTICE THAT in accordance with D.N.J. LBR 9013-3e, unless the Court authorizes otherwise prior to the hearing date or a subpoena is issued requesting attendance, no testimony may be taken at the hearing except by certification or affidavit.

Giordano, Halleran & Ciesla, P.C.
Attorneys for Carla Cox Smith

By: /s/ Donald F. Campbell, Jr.
Donald F. Campbell, Jr., Esq.

Dated: January 12, 2024